

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEAN DUFORT BAPTICHON,

Plaintiff,

- against -

MEMORANDUM & ORDER
20-CV-2400 (PKC) (LB)

UNITED STATES DEPARTMENT OF
EDUCATION,

Defendant.

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PAMELA K. CHEN, United States District Judge:

On May 26, 2020, Plaintiff filed the instant *pro se* action, asserting various tort claims under the Federal Tort Claims Act in relation to his student loan and Defendant's withholding of tax refunds that were due to him. (*See generally* Complaint, Dkt. 1.) By letter dated June 1, 2020, the Deputy Clerk of Court informed Plaintiff that his submission was deficient as he failed to pay the filing fee or submit an application for *in forma pauperis* ("IFP") relief. (See Dkt. 6.) Plaintiff was provided with an IFP form and instructed that, in order to proceed, he was required to cure the deficiency within 14 days or his case may be dismissed. (*Id.*)

To date, Plaintiff has not returned the IFP form or responded in any way. In light of the COVID-19 pandemic and Plaintiff's *pro se* status, the Court has allowed Plaintiff additional time to respond. However, more than 30 days have elapsed. Plaintiff is a frequent *pro se* litigant who is familiar with the filing requirements of federal district courts. *See, e.g., Baptichon v. Michigan*, No. 18-CV-2770 (PKC) (LB) (E.D.N.Y. May 16, 2018); *Baptichon v. United States*, No. 08-CV-2372 (NGG) (LB) (E.D.N.Y. June 20, 2008); *Baptichon v. Prevete*, No. 07-CV-358 (NGG) (LB) (E.D.N.Y. Nov. 15, 2007); *Baptichon v. Nevada State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. 2005). According to Public Access to Court Electronic

Records (“PACER”), the repository of federal appellate, district and bankruptcy case and docket information of which the Court takes judicial notice, Plaintiff has initiated ten additional actions in federal district courts. Moreover, the Court is confident that Plaintiff’s address listed is the correct address, because Plaintiff has used the same address to correspond with the Court since 2007. *See Baptichon v. Prevete*, No. 07-CV-358 (NGG) (LB) (E.D.N.Y. filed Jan. 25, 2007). Therefore, the Court declines to extend the time for Plaintiff to comply with the filing requirements.

Accordingly, the action is dismissed without prejudice for failure to pay the filing fee or provide a completed IFP application. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

/s/ Pamela K. Chen

Pamela K. Chen

United States District Judge

Dated: July 8, 2020
Brooklyn, New York